

TITLE III—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

The complaint is frequently heard that medical malpractice insurance premiums are being driven higher as a result of frivolous complaints. This title responds to that charge with a series of measures designed to insure that the lawsuit itself is not frivolous and the pleadings filed in connection with the suit are accurate and meritorious. The title also provides for alternative dispute resolution designed to encourage resolution of medical malpractice actions outside of court.

Section 301. Health Care Specialist Affidavit. This section requires an affidavit by a qualified specialist before any medical malpractice lawsuit may be filed. "Qualified specialist" is defined as a health care professional with knowledge of the relevant facts of the case, expertise in the specific area of practice at issue in the case, and board certified in a specialty relating to the area of practice.

Section 302. Sanctions for Frivolous Actions and Pleadings. Sets out sanctions for filing improper pleadings in medical malpractice actions violations, such as those which are designed to harass, are frivolous, or are factually inaccurate. For first time violators, the court shall require the attorney to pay costs and attorneys fees and may also strike pleadings, dismiss the lawsuit, or administer other appropriate sanctions. For second time violators, the court shall also require the attorney to pay a monetary fine. For third time violators, the court shall also refer the attorney to the appropriate State bar association for disciplinary proceedings.

Section 303. Mandatory Mediation. This section establishes an alternative dispute resolution system for medical malpractice cases. Participation in mediation shall be in lieu of any other ADR method required by law or by contractual arrangements by the parties. A similar approach is recommended by the Committee for Economic Development, which suggests that defendants make and victims accept "early offers." The effect of the "early offer" program, according to the CED, is that defendants will reduce the likelihood of incurring costs of litigation and having to pay large and uncertain punitive and noneconomic damages, and victims would obtain fair compensation without delay, expense and trauma of litigation.

Section 304. Applicability. Specifies that the title applies to any medical malpractice liability action brought in state or federal court, except for claims arising from vaccine-related injuries.

Section 305. Definitions.

TRIBUTE TO CODY SCOTT BATTY

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to honor a young hero, six-year-old Cody Scott Batty of Montrose, Colorado. Cody displayed quick thinking and uncommon courage when he saved his father, Scott, from a life threatening situation. I would like to commend Cody's actions and courage before this body of Congress and this nation.

On December 22, 2003, Cody and his parents were on their way to California to see family. As anyone who has made this trip knows, it is a long and arduous drive, so the family decided to take a little break from the trip in Mesquite, Nevada. Cody and his father

were outside a bowling alley in Mesquite when his father collapsed as a result of a blood clot that had formed on his skull. Despite the situation, Cody remained calm. He called out for help, but no one came to their aid. Thinking quickly, Cody ran into the bowling alley, borrowed a phone and called 911. He then returned to his father's side and remained there until the paramedics arrived.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Cody Batty before this body of Congress and this nation. Cody has said that he would like to become a police officer or paramedic someday with the bravery that this young man has shown, he is well on his way. Cody's quick actions saved his father's life, and his courage should be an inspiration to us all. It is a great honor to represent such a fine young American in this Congress.

COMMENDING THE ACHIEVEMENTS OF THE WIND SYMPHONY AND JAZZ KNIGHTS AT SACRED HEART SENIOR HIGH SCHOOL

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MORAN of Kansas. Mr. Speaker, congratulations to the fifty-four students from Sacred Heart Senior High School in Salina, Kansas for their upcoming participation in "The Red Road Travel/Study Tour." This experience will include performances at a series of Native American reservation schools in South Dakota from March 16–19, 2003. I commend each of these students for their hard work and success: James Andrewson, David Arpin, Sarah Arpin, Matthew Bachofer, Shannon Bechard, Kyle Berens, Stephanie Bieker, Hillary Blue, Kelly Breckunitch, Matt Broberg, Danielle Budreau, Jennifer Budreau, Jason Bulliegh, Katey Clark, Jason Curran, Kyle Davis, Alan Deneault, Courtney Ducharme, Lauren Ducharme, Christina Fekas, Shandra Francis, Vanessa Greene, Carissa Helvey, Emily Henke, Jessica Herbic, Alex Hernandez, Adria Jerkovich, Anne Kelly, Jessica Kelly, Andy Kinard, Matt Kienda, Jeff Koetting, Abby Luetters, James McKee, Mary Kate McKee, J.J. Neubauer, Ashley O'Brien, Jessica Polich, Michael Ratcliff, Susan Riordan, Lindsey Sandquist, Raquel Santiago, Emily Schmidt, Alisha Schoel, Tine Schoel, Kristen St. John, Marisol Sternke, Janell Straub, Jennifer Suelter, Raul Vasquez, Sarah Vermillion, Tyler Vishnfske, Megan Wells, Lauren Zey.

"The Red Road Travel/Study Tour" is the latest event in a series which provides performance and educational opportunities for students. Paramount to this tour is the opportunity for these young people to experience a unique and different culture, while expressing good will through their musical talents.

I would also like to recognize their director, Milt Allen, for helping prepare these young musicians. Mr. Allen's commitment and dedication to nurture and encourage our youth shines through the accomplishments of his students. The First Congressional district is proud to be represented by Sacred Heart Senior High School in this meaningful program. I commend Mr. Allen for his excellent job promoting education and the arts among the youth of Kansas.

It is an honor to recognize such a meritorious group.

TRIBUTE TO DANIEL WILLIAM PIERCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GRAVES. Mr. Speaker, I Proudly pause to recognize Daniel William Pierce, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 67, and in earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop. Over the five years, he has been involved in scouting, he has held numerous leadership positions, serving as patrol leader, assistant senior patrol leader, senior patrol leader, troop quartermaster, troop historian and troop guide. Daniel also has been honored for his numerous scouting achievements with such awards as the Tribe of Mic-O-Say Award. Additionally, Daniel has earned 39 merit badges.

For his Eagle Scout project, Daniel organized and designed a circle driveway through a park and also put wood posts around the drive and poured 3 concrete pads for picnic tables.

Mr. Speaker, I proudly ask you to join me in commending Daniel William Pierce for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SUPPORT FOR THE VIOLENCE AGAINST WOMEN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOLT. Mr. Speaker, I rise today in support of full funding of the Violence Against Women Act. This law has fostered countless initiatives that have brought millions of dollars to shelters, increased resources for law enforcement, expanded the National Domestic Violence Hotline, and bolstered the prosecution of child abuse, sexual assault, and domestic violence cases.

These programs and services are invaluable. U.S. Department of Justice statistics indicate that domestic violence has decreased by 49% since VAWA went into effect. They also reaffirm that full funding for VAWA is well worth the investment. It is estimated that the \$1.6 billion spent on VAWA programs during the first six years after its enactment saved government coffers \$14.8 billion in medical, legal, workplace and other social costs, not to mention saving many lives.

Unfortunately, state budget crises and decreases in federal funding are threatening these vital programs and services. President Bush's budget request for FY 2004 would cut funding for VAWA programs and services by \$141.6 million in FY 2004 from the previously authorized level of \$692.5 million.

Our nation must renew our commitment to ending all forms of domestic violence. I urge